

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1336

Introduced by Assembly Member Eng

February 27, 2009

An act to add Article 3.6 (commencing with Section 40245) to Chapter 1 of Division 17 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1336, as amended, Eng. Vehicles: parking violations: digital image recordings.

Existing law authorizes the City and County of San Francisco, until January 1, 2012, to enforce parking violations in specified transit-only traffic lanes through the use of video image evidence.

This bill would authorize a local public agency to utilize an automated parking enforcement system that includes equipment installed on local public agency-owned or local public agency-operated street sweepers for the purpose of digital imaging of parking violations occurring in street-sweeping parking lanes during the designated hours of street sweeping operations, *except when the vehicle is parked in a street-sweeping parking lane during the designated hours of street sweeping operations after the street has already been cleaned*, and would require the local public agency to commence a program to issue only warning notices for 30 days prior to issuing notices of parking violations.

The bill would require a designated employee, who is qualified by the local public agency, to review the digital image recordings for

determining whether these parking violations had occurred and to issue a notice of a parking violation to the registered owner within 15 days of the violation pursuant to a specified procedure. The digital image records would be confidential and would be available only to public agencies to enforce parking violations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.6 (commencing with Section 40245) is
2 added to Chapter 1 of Division 17 of the Vehicle Code, to read:

3
4 Article 3.6. Procedure On Photo Enforcement and Digital
5 Imaging of Parking Violations During Street Sweeping
6

7 40245. (a) The Legislature finds and declares all of the
8 following:

9 (1) Street sweepers operating throughout our nation and the
10 world remove from streets and roads unnecessary pollutants,
11 contaminants, chemicals, trash, and debris, which provides
12 significant environmental and sanitation benefits, thereby
13 protecting the environment and contributing to the health of people
14 in communities worldwide.

15 (2) Each year, illegally parked private cars, trucks, and service
16 vehicles on local streets and roads disrupt full street sweeping of
17 as many as three parking spaces per illegally parked vehicle,
18 resulting in significant debris, grease, oil, and other pollutants
19 being needlessly washed into the stormwater drains.

20 (3) A major benefit of street sweeping, especially in more
21 urbanized areas with higher areas of paving, is that by capturing
22 pollutants before they are made soluble by rainwater, the need for
23 stormwater treatment practices, which can be very costly when
24 compared to collecting pollutants before they become soluble, may
25 be reduced.

26 (4) According to an analysis by the District of Columbia
27 Department of Public Works, an average of 10 pounds of oil and
28 grease, three pounds of nitrogen and phosphorus, and up to two
29 pounds of heavy metals are typically removed per mile swept of
30 local streets and roads through street sweeping.

(5) According to an August 2004 technical report on “Trash Best Management Practices” submitted by the County of Los Angeles Department of Public Works, street sweeping and stricter enforcement of no parking regulations should “be utilized to the maximum extent practicable” to help prevent trash, litter, and other harmful pollutants from getting into the stormwater drain system.

(6) According to a July 2007 technical report titled “Trash Total Maximum Daily Loads for the Los Angeles River Watershed,” ~~it identifies stormwater drain discharges as~~ *stormwater drain discharges are* the “primary source of trash” in the waterbodies of the Los Angeles River Watershed, whereby unswept street litter is washed through the storm drain sewers into the Los Angeles River, the Estuary, the beaches at Long Beach, and the Pacific Ocean.

(7) In August 2007, after extensive studies, public meetings, and economic benefit analysis, the Los Angeles Regional Water Quality Control Board adopted a phased-in goal of “zero” discharges of ~~man-made~~ *manmade* trash in the Los Angeles River Watershed by 2016, a goal that was subsequently approved by the State Water Resources Control Board in April 2008 and the United States Environmental Protection Agency in July 2008.

(8) Cities such as Chicago and Washington D.C. already utilize automated parking enforcement systems mounted on their local public agency-owned or local public agency-operated street sweepers, thereby employing proven technology to enforce existing regulations and improve compliance with street-sweeping regulations, which benefits the environment by helping reduce waste and pollutants from entering ~~storm water~~ *stormwater* drain systems.

(b) Therefore, it is the intent of the Legislature to allow local public agency-owned or local public agency-operated street sweepers to utilize automated parking enforcement systems to serve the public interest by benefiting the environment, improving water quality, decreasing stormwater drain runoff, and helping reduce ongoing habitat deterioration.

40246. For the purposes of this article, the following terms have the following meanings:

(a) “Local public agency” means a city, county, city and county, district, or joint powers authority.

1 (b) “Street sweeper” means a mechanical vehicle that cleans
2 streets and roads, utilizing a broom, conveyor belt, vacuum, or
3 regenerative-air mechanism, among other mechanisms, to loosen,
4 carry, and collect debris, dust, grease, oil, metals, and other
5 pollutants from streets and roads.

6 (c) “Automated parking enforcement system” means the
7 installation and use of equipment that takes a digital camera-based
8 photograph and is linked with a violation detection system that
9 synchronizes the taking of the photograph with the occurrence of
10 a parking infraction.

11 (d) “Street-sweeping parking lane” means any street or road
12 routinely cleaned by street sweepers during designated hours of
13 operation as indicated on schedule signs designated on both sides
14 of the street or road.

15 40247. (a) A local public agency may utilize an automated
16 parking enforcement system that includes the installation of
17 equipment on local public agency-owned or local public
18 agency-operated street sweepers for the purpose of digital imaging
19 of parking violations occurring in street-sweeping parking lanes.
20 The equipment shall be angled and focused so as to capture digital
21 images of license plates on vehicles violating designated
22 street-sweeping regulations and shall not unnecessarily capture
23 identifying images of other drivers, vehicles, or pedestrians. ~~A~~
24 ~~citation shall be issued only for violations captured during the~~
25 ~~designated hours of operation for a street-sweeping parking lane.~~
26 Notwithstanding subdivision (e) of Section 40248, only a local
27 public agency may operate an automated parking enforcement
28 system.

29 *(1) A citation shall be issued only for violations captured during*
30 *the designated hours of operation for a street-sweeping parking*
31 *lane.*

32 *(2) A citation shall not be issued, under the provisions of this*
33 *article, for a vehicle that is parked on the street during the*
34 *designated hours of operation for a street-sweeping parking lane*
35 *when the vehicle is parked on the street after the street has been*
36 *cleaned by a street sweeper.*

37 (b) Prior to issuing notices of parking violations pursuant to
38 subdivision (a) of Section 40248, a local public agency utilizing
39 an automated parking enforcement system pursuant to this article
40 shall commence a program to issue only warning notices for 30

1 days. The local public agency shall also make a public
2 announcement of the automated parking enforcement system at
3 least 30 days prior to the commencement of issuing these notices.
4 This subdivision does not affect the authority of a local public
5 agency to issue notices of parking violations through a manual
6 system before, during, or after the 30-day warning period in this
7 subdivision.

8 (c) A designated employee for the local public agency, who is
9 qualified by the local public agency to issue parking citations, shall
10 review digital image recordings for the purpose of determining
11 whether a parking violation occurred in a street-sweeping parking
12 lane. A violation of a statute, regulation, or ordinance governing
13 parking under this code, under a federal or state statute or
14 regulation, or under an ordinance enacted by the local public
15 agency occurring in a street-sweeping parking lane observed by
16 the designated employee in the recordings is subject to a civil
17 penalty.

18 (d) The registered owner at the time of the alleged violation
19 shall be permitted to review the digital image evidence of the
20 alleged violation on the Internet or during normal business hours
21 at no cost.

22 (e) (1) Except as it may be included in court records described
23 in Section 68152 of the Government Code, or as provided in
24 paragraph (2), the digital image evidence may be retained for up
25 to six months from the date the information was first obtained, or
26 60 days after final disposition of the citation, whichever date is
27 later, after which time the information shall be destroyed in a
28 manner that shall preserve the confidentiality of any person
29 included in the record or information.

30 (2) Notwithstanding Section 26202.6 of the Government Code,
31 digital image evidence from automated parking enforcement
32 systems that does not contain evidence of a parking violation
33 occurring in a street-sweeping parking lane shall be destroyed
34 within 15 days after the information was first obtained.

35 (f) Notwithstanding Section 6253 of the Government Code, or
36 any other provision of law, the digital image records made by an
37 automated parking enforcement system shall be confidential. Local
38 public agencies shall use and allow access to these records only
39 for the purposes authorized by this article.

1 40248. (a) A designated employee for the local public agency
2 shall issue a notice of a parking violation to the registered owner
3 of a vehicle within 15 calendar days of the date of the violation.
4 The notice of violation shall set forth the violation of a statute,
5 regulation, or ordinance governing vehicle parking under this code,
6 under a federal or state statute or regulation, or under an ordinance
7 enacted by the local public agency occurring in a street-sweeping
8 parking lane, a statement indicating that payment is required within
9 21 calendar days from the date of citation issuance, and the
10 procedure for the registered owner to deposit the parking penalty
11 or contest the citation pursuant to Section 40215. The notice of a
12 parking violation shall also set forth the date, time, and location
13 of the violation, the vehicle license number, registration expiration
14 date if visible, the color of the vehicle, and, if possible, the make
15 of the vehicle. The notice of parking violation, or copy of the
16 notice, shall be considered a record kept in the ordinary course of
17 business of the local public agency and shall be prima facie
18 evidence of the facts contained in the notice. The local public
19 agency shall send information regarding the process for requesting
20 review of the digital image evidence along with the notice of
21 parking violation.

22 (b) The notice of parking violation shall be served by depositing
23 the notice in the United States Postal Service to the registered
24 owner's last known address listed with the Department of Motor
25 Vehicles. Confidential information obtained from the Department
26 of Motor Vehicles for the administration or enforcement of this
27 article shall be held confidential, and may not be used for any other
28 purpose. Proof of mailing demonstrating that the notice of parking
29 violation was mailed to that address shall be maintained by the
30 local public agency. If the registered owner, by appearance or by
31 mail, makes payment to the processing agency or contests the
32 violation within either 21 calendar days from the date of mailing
33 of the citation, or 14 calendar days after the mailing of the notice
34 of delinquent parking violation, the parking penalty shall consist
35 solely of the amount of the original penalty.

36 (c) If, within 21 days after the notice of parking violation is
37 issued, the local public agency determines that, in the interest of
38 justice, the notice of parking violation should be canceled, the
39 local agency shall cancel the notice of parking violation pursuant

1 to subdivision (a) of Section 40215. The reason for the cancellation
2 shall be set forth in writing.

3 (d) Following an initial review by the local agency, and an
4 administrative hearing, pursuant to Section 40215, a contestant
5 may seek court review by filing an appeal pursuant to Section
6 40230.

7 (e) The local public agency may contract with a private vendor
8 for the installation and maintenance of the automated parking
9 enforcement system in addition to the processing of notices of
10 parking violations and notices of delinquent violations, if the local
11 public agency maintains overall control and supervision of the
12 automated parking enforcement system.

O